

## NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

### NOTICE OF PROPOSED RULEMAKING

#### TITLE 9. HEALTH SERVICES

#### CHAPTER 25. DEPARTMENT OF HEALTH SERVICES EMERGENCY MEDICAL SERVICES

##### PREAMBLE

- 1. Sections Affected**

	<b><u>Rulemaking Action</u></b>
R9-25-306	Amend
R9-25-309	Amend
- 2. Statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statutes: A.R.S. §§ 36-2202(A)(4) and 36-2209(A)(2)  
Implementing statutes: A.R.S. §§ 36-2202(A)(3) and 36-2204(1) and (3)
- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**

Notice of Rulemaking Docket Opening: 10 A.A.R. 2607, June 25, 2004
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Dona Marie Markley, EMS Policy and Practice Administrator
Address:	Arizona Department of Health Services Bureau of Emergency Medical Services 150 N. 18th Ave., Suite 540 Phoenix, AZ 85007
Telephone:	(602) 364-3152
Fax:	(602) 364-3568
E-mail:	dmarkle@hs.state.az.us
	or
Name:	Kathleen Phillips, Rules Administrator
Address:	Arizona Department of Health Services Office of Administrative Rules 1740 W. Adams St., Suite 202 Phoenix, AZ 85007
Telephone:	(602) 542-1264
Fax:	(602) 364-1150
E-mail:	kphilli@hs.state.az.us
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**

R9-25-306(B)(2) provides the minimum admission requirements for the Arizona EMT-B refresher. The Arizona Department of Health Services (ADHS) has determined that R9-25-306(B)(2)(a)(iii) excludes from admission to the Arizona EMT-B refresher individuals who have never held National Registry of Emergency Medical Technicians (NREMT) Basic or higher level registration, but who could become eligible to obtain NREMT-Basic registration through NREMT testing upon completion of the Arizona EMT-B refresher. This includes NREMT-Basic candidates

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who may use an Arizona EMT-B refresher to meet NREMT remedial training or testing eligibility requirements. ADHS did not intend to exclude those individuals from admission to the Arizona EMT-B refresher and is revising R9-25-306(B)(2)(a)(iii) so that they are not excluded. ADHS is also revising the rule to allow admission to any other individual who is required by NREMT to take an Arizona EMT-B refresher course in order to seek NREMT registration.

R9-25-309(B)(2) provides the minimum admission requirements for the Arizona ALS refresher. ADHS has determined that R9-25-309(B)(2)(a)(iii) excludes from admission to the Arizona ALS refresher individuals who have never held NREMT-Intermediate or NREMT-Paramedic registration, but who could become eligible to obtain NREMT-Intermediate or NREMT-Paramedic registration through NREMT testing upon completion of the Arizona ALS refresher. This includes NREMT-Intermediate and NREMT-Paramedic candidates who may use an Arizona ALS refresher to meet NREMT remedial training or testing eligibility requirements. ADHS did not intend to exclude those individuals from admission to the Arizona ALS refresher and is revising R9-25-309(B)(2)(a)(iii) so that they are not excluded. ADHS is also revising the rule to allow admission to any other individual who is required by NREMT to take an Arizona ALS refresher course in order to seek NREMT registration.

**6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None

**7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**8. The preliminary summary of the economic, small business, and consumer impact:**

This rulemaking affects individuals who have never held NREMT registration; who desire to become EMTs at either the Basic, Intermediate, or Paramedic level; and whom NREMT requires to complete a refresher course either as remedial training or otherwise as a prerequisite to continuing NREMT testing in order to obtain NREMT registration. R9-25-306 and R9-25-309 currently exclude these individuals from admission to the Arizona EMT-B refresher or the Arizona ALS refresher because they have never held NREMT registration. However, ADHS has, through substantive policy, allowed these individuals to enroll in refresher courses since May 1, 2004. Excluding these individuals from admission to the Arizona EMT-B refresher or the Arizona ALS refresher effectively prevents them from obtaining NREMT registration, resulting in their inability to obtain EMT certification from ADHS. ADHS requires an applicant for EMT certification under R9-25-404 or R9-25-405 to hold current NREMT registration. This rulemaking will result in a substantial benefit to these individuals. ADHS estimates that approximately 200 to 400 potential EMT certification applicants will be benefited each year. ADHS anticipates that either now or in the future there may be other candidates for NREMT registration who would be required by NREMT to take an EMT-B or ALS refresher course in order to seek NREMT registration and who would not be eligible for admission under the current rule. These individuals will also be substantially benefited by this rulemaking because they will be eligible for admission under the new rule language and thus will not be prevented from obtaining NREMT registration.

This rulemaking also affects persons that offer Arizona EMT-B refresher courses and persons that offer Arizona ALS refresher courses. These persons will be minimally to moderately benefited because of the increase in potential students. ADHS currently certifies 45 EMT training programs.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Dona Marie Markley, EMS Policy and Practice Administrator

Address: Arizona Department of Health Services  
Bureau of Emergency Medical Services  
150 N. 18th Ave., Suite 540  
Phoenix, AZ 85007

Telephone: (602) 364-3152

Fax: (602) 364-3568

E-mail: dmarkle@hs.state.az.us

or

Name: Kathleen Phillips, Rules Administrator

Address: Arizona Department of Health Services  
Office of Administrative Rules  
1740 W. Adams St., Suite 202  
Phoenix, AZ 85007

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Telephone: (602) 542-1264  
Fax: (602) 364-1150  
E-mail: kphilli@hs.state.az.us

**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:**

ADHS has scheduled the following oral proceeding:

Date: November 15, 2004  
Time: 9:00 a.m.  
Location: Arizona Department of Health Services  
1740 W. Adams St., Rm. 411  
Phoenix, AZ 85007  
Nature: Oral proceeding

Individuals with a disability may request a reasonable accommodation by contacting Sarah Harpring at sharpri@hs.state.az.us or (602) 542-1513. A request should be made as early as possible to allow sufficient time to arrange for the accommodation.

Written comments on the proposed rulemaking or the preliminary economic, small business, and consumer impact summary may be submitted to either individual listed in items #4 and #9 until the close of record at 5:00 p.m. on November 15, 2004.

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable

**12. Incorporations by reference and their location in the rules:**

R9-25-306 and R9-25-309 each contain an incorporation by reference. In this rulemaking, ADHS is not incorporating by reference any new material and is not making any changes to the existing incorporations by reference.

**13. The full text of the rules follows:**

**TITLE 9. HEALTH SERVICES**

**CHAPTER 25. DEPARTMENT OF HEALTH SERVICES  
EMERGENCY MEDICAL SERVICES**

**ARTICLE 3. TRAINING PROGRAMS**

Section

- R9-25-306. Arizona EMT-B Refresher, Arizona EMT-B Refresher Challenge Examination (Authorized by A.R.S. §§ 36-2202(A)(3) and (A)(4) and 36-2204(1) and (3))  
R9-25-309. Arizona ALS Refresher; Arizona ALS Refresher Challenge Examination (Authorized by A.R.S. §§ 36-2202(A)(3) and (A)(4) and 36-2204(1) and (3))

**ARTICLE 3. TRAINING PROGRAMS**

- R9-25-306. Arizona EMT-B Refresher, Arizona EMT-B Refresher Challenge Examination (Authorized by A.R.S. §§ 36-2202(A)(3) and (A)(4) and 36-2204(1) and (3))**

**A. No change**

1. No change
2. No change
3. No change

**B. No change**

1. No change
2. No change
  - a. No change
    - i. No change
    - ii. No change
    - iii. ~~For an individual with lapsed NREMT-Basic or higher level registration, eligibility~~ Being required by

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~~NREMT to complete the Arizona EMT-B refresher to become eligible to have seek NREMT-Basic registration reinstated upon completion of the Arizona EMT-B refresher; and~~

- b. No change
- 3. No change
- 4. No change
- 5. No change
- 6. No change
- 7. No change
  - a. No change
  - b. No change
- 8. No change
  - a. No change
  - b. No change
  - c. No change
- 9. No change
  - a. No change
  - b. No change
- C. No change
- D. No change
  - 1. No change
  - 2. No change

**R9-25-309. Arizona ALS Refresher; Arizona ALS Refresher Challenge Examination (Authorized by A.R.S. §§ 36-2202(A)(3) and (A)(4) and 36-2204(1) and (3))**

- A. No change
  - 1. No change
  - 2. No change
  - 3. No change
- B. No change
  - 1. No change
  - 2. No change
    - a. No change
      - i. No change
      - ii. No change
      - iii. ~~For an individual with lapsed NREMT-Intermediate or NREMT-Paramedic registration, eligibility Being required by NREMT to have complete the Arizona ALS refresher to become eligible to seek NREMT-Intermediate or NREMT-Paramedic registration reinstated upon completion of the Arizona ALS refresher; and~~
    - b. No change
  - 3. No change
  - 4. No change
  - 5. No change
  - 6. No change
  - 7. No change
  - 8. No change
    - a. No change
    - b. No change
    - c. No change
  - 9. No change
    - a. No change
    - b. No change
- C. No change
- D. No change
  - 1. No change
  - 2. No change